



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,866	12/21/2001	Tomoyuki Ohno	35. C16051	4678
5514 7590 04/29/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
PENG, FRED H				
ART UNIT		PAPER NUMBER		
2623				
MAIL DATE		DELIVERY MODE		
04/29/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/023,866

Applicant(s)

OHNO ET AL.

Examiner

FRED PENG

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,10-12,14-17 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,10-12,14-17 and 21-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/04/2008 has been entered.

DETAILED ACTION

Response to Arguments

2. Applicant's arguments filed on 02/04/2008 have been fully considered but they are not persuasive.

Applicant argues on page 11 of Remarks that Ellis fails to disclose or suggest claimed features "conditioned access data generated by the broadcaster in accordance with (a) identification information for identifying the broadcast receiver, and (b) identification information for identifying an external terminal which is capable of connecting with the broadcast receiver without using the broadcasting system, both inputted from the external terminal to the broadcaster via a different network, with storing in advance the identification information for identifying the external terminal, and holding the identification information for identifying the broadcast receiver, with generation of display data for the external terminal responsive to the extracted identification information" as cited in Claims 1, 12 and 23.

The Examiner respectfully disagrees. Ellis discloses a broadcast wave including conditioned access data (Para 67 lines 1-7; premium channels like pay-per-view suggests including conditioned access data or Para 68 lines 8-11, satellite television distribution includes smart card in the set-top box for conditional access control) which is generated by the broadcaster in accordance with identification information for identifying the broadcast receiver (Para 87 lines 1-4, indicates identification information for each receiver) and identification information for identifying an external terminal which is capable of connecting with the broadcast

Art Unit: 2623

receiver without using the broadcasting system, both inputted from the external terminal to the broadcaster via a network different from the broadcast wave (Para 77 lines 1-7, indicating remote access device 24 can be connected to both the receiver 22 in FIG.2a, and the broadcaster 16 in FIG.2b at the same time; Para 72 lines 1-12, remote access device can request information from the broadcaster directly and receive additional information through the receiver 22 to remote access device suggesting both identification are input from the remote access device in order to receive additional information through the receiver since Para 67 lines 11-13 further indicating more than one remote access device can be connected to the broadcaster and the receiver suggests identification for the receiver and remote access device is required); a storing unit adapted to store in advance the identification information for identifying the external terminal (Para 67 lines 11-13; identification information is stored in advance in order to identify each remote access device); the broadcast receiver holds the identification information for identifying the broadcast receiver (the identification information for each receiver is required in order to decode and decrypt control access information for each receiver).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 3-6, 10-12, 14-17, 21-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellis et al (US 2005/0028208).

Regarding Claims 1, 12 and 23 Ellis discloses a broadcast receiver (FIG.2b, -22) with corresponding method and storage medium storing a program (FIG.3, -31) comprising:

a receiving unit (FIG.3, -28) adapted to receive, from a broadcasting wave transmitted by a broadcasting system of a broadcaster (FIG.2a, -16), a broadcast wave including conditioned access data (Para 67 lines 1-7; premium channels like pay-per-view suggests including conditioned access data or Para 68 lines 8-11, satellite television distribution includes smart card in the set-top box for conditional access control) which is generated by the broadcaster in accordance with identification information for identifying the broadcast receiver (Para 87 lines 1-4, indicates identification information for each receiver) and identification information for identifying an external terminal which is capable of connecting with the broadcast receiver without using the broadcasting system, both inputted from the external terminal to the broadcaster via a network different from the broadcast wave (Para 77 lines 1-7, indicating remote access device 24 can be connected to both the receiver 22, FIG.2a, and the broadcaster 16, FIG.2b at the same time; Para 72 lines 1-12, remote access device can request information from the broadcaster directly and receive additional information through the receiver 22 suggesting both identification are input from the remote access device in order to receive additional information through the receiver; further Para 67 lines 11-13 indicating more than one remote access device can be connected to the broadcaster and the receiver suggests identification for the remote access device is required), the broadcast wave being a transport stream (MPEG video consumed as it is received; Para 84 lines 8-9) generated by multiplexing (sending a plurality of information/data through a communication link) the conditioned access data (program guide conditioned access data, i.e., data used to manage watching premium programs like pay-per view or parental control access) with video data and audio data, the conditioned access data including (disclosed as STB name/location/coordination information; Para 214 lines 12-17; Para 217 lines 1-4; Para 220 lines 4-8; Para 191; Para 87 lines 1-5; in which Ellis teaches it is desirable to identify the multiple television equipments the user has access to in order to control specific receivers, e.g., for controlling which receiver records a program, or has a parental lock enabled) control information

Art Unit: 2623

(program guide information, such as request, commands, listings data, and/or coordination information, etc.) for controlling the broadcast receiver with video data and audio data;

a communication unit (FIG.3, -37) adapted to communicate with the external terminal in a communication system (FIG.3, -19, FIG.2c, -22, Para 76) different from the broadcasting system (FIG.3, -26, Ethernet is different from MPEG transport communication);

a storing unit adapted to store in advance the identification information for identifying the external terminal (Para 67 lines 11-13; identification information is stored in advance in order to identify each remote access device);

an extraction unit adapted to extract the control information (interactive program guide profile, screen, poll/status, and/or reminder information) and the identification information for identifying the external terminal from the conditioned access data (Para 67 lines 11-13, a request from multiple remote access devices requires a identification information to identify), which is acquired in de-multiplexing the received broadcast wave (Para 80, 90, 26 - FIG.3; Ellis teaches a user request poll/command is sent to the identified user equipment 22 from the remote access device 24, and the command data that is inherently extracted/demultiplexed from the signal 20 by the demodulating/receiving circuitry of the terminal 22 in order to access the real-time data streams, (inter alia) causes, i.e., controls by function, the access device 24 to display program guide information generated at the terminal 22, according to user set filtering controls; Para 126 lines 4-9; Para 137; Para 204; Para 214 lines 12-17; Para 217 lines 1-4; Para 220; Para 125 lines 1-3; Para 130 lines 8-16; Para 136 lines 1-5; Para 160 Para 172 lines 2-6);

a generating unit adapted to generate, responsive to the identification information extracted by said extraction unit corresponding to the identification information stored in said storing unit, display data which is displayed on a display unit of the external terminal to operate the broadcast receiver from the external terminal (the communication unit of 22 generates communication data for transmission to remote device 24), in accordance with the control information extracted by the extraction unit (the command data that is extracted from the signal 20 (inter alia) causes, i.e., controls by function, the access device 24 to display program guide

Art Unit: 2623

information generated at the terminal 22, according to user set filtering controls; Para 126 lines 4-9; Para 137; Para 204; Para 214 lines 12-17; Para 217 lines 1-4; Para 220; Para 125 lines 1-3; Para 130 lines 8-16; Para 136 lines 1-5; Para 160, Para 172 lines 2-6); and

a control unit adapted to control (control circuitry 42 - FIG.4) to make the communication unit transmit the display data (the control circuitry controls the equipment 22 to transmit the requested information data, e.g., EPG, profile data, status information, etc., to the remote device 24; Para 111 lines 6-11; Para 88 lines 3-7; Para 102 lines 11-12; Para 103 line 6-Para 104 line 2),

wherein the broadcast receiver holds the identification information for identifying the broadcast receiver (set-top box inherently includes the identification information in order to decode and decrypt control access information), and

wherein the identification information of the broadcast receiver included in the conditioned access data is used so that the broadcast receiver can access the control information included in the conditioned access data (set-top box inherently includes the identification information in order to decode and decrypt control access information).

Regarding Claims 3 and 14, Ellis further discloses the display data is data for displaying an operation assistance screen for assisting an operation (program guide web page, menu, listing, settings screen, etc.) of the external terminal (FIG.17-20; FIG.38; Para 101 lines 15-17; Para 115; Para 117; Para 122; Para 127; Para 130; Para 134; Para 137 lines 7-14; Para 154).

Regarding Claims 4 and 15, Ellis further discloses the operation assistance screen assists at least one operation of a record operation and a record reservation operation (Ellis' accessing program record scheduling functions reads on both; FIG.19, Para 163) and a viewing reservation (program reminder or PPV reservation) operation of video and audio data (television programming includes audio) of a program received by the broadcast receiver (FIG.16, Para 155; FIG.20; Para 165), an operation of obtaining program information data (listings information) and data broadcast data of the program (additional information related to the listings, e.g., text,

Art Unit: 2623

graphics, video), (FIG.15; Para 103; Para 15 lines 1-6; Para 154; 310-FIG.7; 310-FIG.8), and a record operation of the data broadcast data of the program (Para 83 lines 1-3; Para 163; Para 219).

Regarding Claims 5 and 16, Ellis further discloses an initial screen setting unit adapted to set information for structuring an initial screen (Ellis teaches access device 24 obtains the user profile/favorites information which was previously setup at startup; 1900, 1910 -FIG. 18; Para 160- 165 line 3; Para 126; Para 191 lines-18); and a storage unit adapted to store the initial screen setting information set by the initial screen setting unit (Ellis teaches profile/favorites data is stored; Para 161 lines 3-4; Para 101 lines 26-27; Para 110 lines 3-4), wherein if the control information is initial screen transmission command information, the extraction unit extracts the initial screen setting information from the storage unit, the generating unit generates the display data in accordance with the initial screen setting information, and the control unit controls to transmit the display data to the external terminal (Ellis teaches retrieving and displaying the program information on the access device 24 at start-up and the user equipment 22 generates the program guide display data and transmits it to 24; Para 161 lines 10- 14; 1925 & 1930- FIG.18; Para 162 lines 1-7; Para 110 lines 1-16; Para 109; Para 160).

Regarding Claims 6 and 17, Ellis further discloses the broadcast signal contains program information data (program guide data) and the control information is command information for transmitting the program information data to the external terminal (Ellis discloses television distribution (broadcast) facility 16 transmits program guide data to user equipment 22 and access device 24 sends appropriate commands/request to 22 for transmitting the program guide data to 24; Para 68 line 8-Para 69; Para 72 lines 6-12; Para 80 lines 2-4; Para 88 lines 3-9; Para 98 lines 1-11 ; Para 99; Para 103; Para 107; Para 108 lines 1-3; Para 109; Para 110 lines 1-16; Para 111 lines 6-9).

Art Unit: 2623

Regarding Claims 10 and 21, Ellis further discloses the external terminal is a portable terminal capable of mobile communications (Para 92 lines 3-10).

Regarding Claims 11 and 22, Ellis further discloses the control unit further controls an operation of the broadcast receiver in accordance with the control information (Para 107), and controls at least one operation of a record operation and a record reservation operation (Ellis' accessing program record scheduling functions reads on both; FIG.19, Para 163) and a viewing reservation (program reminder or PPV reservation) operation of video and audio data (television programming includes audio) of a program received by the broadcast receiver (FIG.16, Para 155; FIG.20; Para 165), an operation of obtaining program information data (listings information) and data broadcast data of the program (additional information related to the listings, e.g., text, graphics, video), (FIG.15; Para 103; Para 15 lines 1-6; Para 154; 310-FIG.7; 310-FIG.8), and a record operation of the data broadcast data of the program (Para 83 lines 1-3; Para 163; Para 219).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRED PENG whose telephone number is (571)270-1147. The examiner can normally be reached on Monday-Friday 09:00-18:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fred Peng
Patent Examiner

Vivek Srivastava
Supervisory Patent Examiner

/Vivek Srivastava/
Supervisory Patent Examiner, Art Unit 2623